



Staff Report BZA16-005-VA

Habitat for Humanity- Setback Variance

Docket BZA16-005-VA Habitat for Humanity Setback Variance. The petitioner is requesting approval of a Variance of development standards for the purpose of allowing a residential structure on a lot that encroaches on the rear yard setback. The subject property is located on 105 Uitts St. and currently zoned R-3. The petitioner and property owner is Habitat for Humanity.



History

The existing structure located at 105 Uitts Street was an abandoned, empty lot susceptible to code violations.

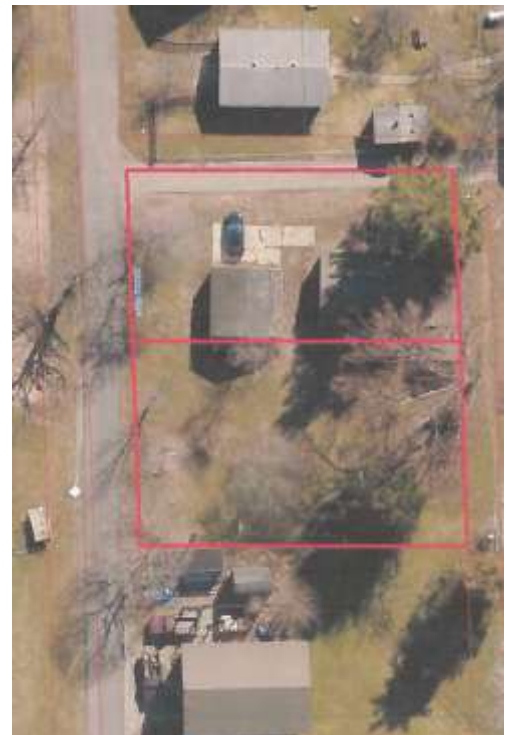
Habitat for Humanity has since bought the property and demolished the residential structure.

Site Location and Proposed Development

The site is located at 105 Uitts Street in Legacy Core. The site is currently an empty lot ready to be redeveloped.

The petitioner is planning to build a 1300 square foot single family home to repurpose the empty lot. Due to the existence of a legal tile drain to the west with an easement of 75 feet, the petitioner is seeking a variance of a 25 foot reduction in front of the Boone County Drainage Board meeting scheduled June 6th, 2016.

In order to fit the residential structure on the lot with the drainage easement, a rear yard setback variance is requested.



Requested Variance

Reduce the rear yard setback from 20 feet to 10 feet.

UDO, Chapter 2.4. Medium-Density Single Family and Two Family Residential

<i>LOT STANDARD</i>	<i>SINGLE FAMILY RESIDENTIAL</i>
MIN. FRONT YARD SETBACK	25
MIN. SIDE YARD SETBACK	10
MIN. REAR YARD SETBACK	20
MIN. LOT COVERAGE	60%

Decision Criteria

Per the Zoning Ordinance, *Section X.C.5.a(3)* the Board of Zoning Appeals shall use the following three decision criteria, consistent with the requirements of the Indiana Code IC 36-7-4-918.5, when taking action on all variance requests:

1. The variances will not be injurious to the public health, safety, morals, and general welfare of the community.

The variance is requested for rear (south) setback from 20' to 10'. Alley currently exists on south side where setback variance is requested. A single family (mother & child) will occupy the new home.

2. The use or value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner.

A new home with an attached garage and 3 bedroom, 2 bath with fully landscaped yard (w/ sod) will add to value of surrounding homes.

3. The strict application of the terms of the Ordinance will continue the unusual and unnecessary hardship as applied to the property for which the variances are sought.

The existing legal tile drain to the west with a required 75' easement will not allow the construction of the Habitat for Humanity home. A variance of 25' reduction is being requested by the Boone County drainage board.

Staff Recommendations

Staff recommends that the Board of Zoning Appeals **approve** the variance to reduce the 20 foot rear setback requirement to 10 feet.